UNITED NATIONS

MC

UNEP/MC/COP.2/10

Distr.: General
25 September 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (f) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: capacity-building, technical assistance and technology transfer

Submissions and reports received in relation to alternative technologies and technology transfer as referred to in paragraph 4 of article 14

Note by the secretariat

1. Paragraph 4 of article 14 of the Minamata Convention on Mercury, on capacity-building, technical assistance and technology transfer, provides that the Conference of the Parties will, by its second meeting and thereafter on a regular basis, consider information on existing initiatives and progress made in relation to alternative technologies; consider the needs of parties, particularly developing country parties, for alternative technologies; and identify challenges experienced by parties, particularly developing country parties, in technology transfer. The Conference of the Parties should do so taking into account submissions and reports from parties, including those as provided for in article 21, and information provided by other stakeholders.

2. In response to the consideration of the issue at the first meeting of the Conference of the Parties, held in Geneva from 24 to 29 September 2017, the secretariat sought submissions and reports from parties and other stakeholders on the above-mentioned issues as referred to in paragraph 4 of article 14.

3. Submissions were received from three parties, namely Japan, Nigeria and the United States of America, and two non-governmental organizations, namely the International POPs Elimination Network and the Zero Mercury Working Group. The submissions have been compiled in document UNEP/MC/COP.2/INF/5 and are also available on the website of the Minamata Convention at: www.mercuryconvention.org/Meetings/Intersessionalnbsp;work/tabid/6325/language/en-US/Default.aspx.

4. The submissions received provide an overview of a range of alternative technologies that have been developed to address mercury issues as well as examples of how they have been used, including in the context of technical assistance and capacity-building activities in developing countries and countries with economies in transition. One developing-country party highlighted in its submission areas where the need for technology transfer, technical assistance and capacity-building programmes have been identified.

* UNEP/MC/COP.2/1.

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Suggested action by the Conference of the Parties

5. The Conference of the Parties may wish to consider the information provided in the submissions received, and draw the attention of parties and relevant stakeholders, especially those providing capacity-building and technical assistance pursuant to article 14, to the alternative technologies, existing initiatives and activities mentioned in the submissions as well as to the needs and challenges described therein. The Conference of the Parties may also wish to consider the issue further at its fourth meeting, taking into account any further submissions and reports from parties and information provided by other stakeholders, compiled by the secretariat, and reported by parties pursuant to article 21.

UNITED NATIONS

MC

UNEP/MC/COP.2/11

Distr.: General
29 August 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (g) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: Implementation and Compliance Committee

Report on the work of the Implementation and Compliance Committee of the Minamata Convention on Mercury

Note by the secretariat

1. Article 15 of the Minamata Convention on Mercury, on the Implementation and Compliance Committee, establishes a mechanism, including a Committee as a subsidiary body of the Conference of the Parties, to promote implementation of, and review compliance with, all the provisions of the Convention. In accordance with paragraph 3 of article 15, by its decision MC-1/7, the Conference of the Parties at its first meeting elected the first 15 members of the Committee. In the period between the first and the second meetings of the Conference of the Parties, the Committee has met once, in Geneva, on 29 and 30 May 2018.

2. The secretariat has the honour to provide, in the annex to the present note, the report of the first meeting of the Implementation and Compliance Committee. Appendix I to the report sets out the rules of procedure for the Committee which, pursuant to paragraph 5 of article 15, have been elaborated by the Committee and are subject to approval by the Conference of the Parties at its second meeting. Appendix II sets out a draft decision prepared by the Committee for the consideration of the Conference of the Parties should it decide to approve the proposed rules of procedure.

Suggested action by the Conference of the Parties

3. The Conference of the Parties may wish to consider the report of the first meeting of the Committee and its appendices, and approve the rules of procedure for the Implementation and Compliance Committee through the adoption of a decision on the matter.

* UNEP/MC/COP.2/1.

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Annex

Report on the first meeting of the Implementation and Compliance Committee of the Minamata Convention on Mercury, held in Geneva on 29 and 30 May 2018

Introduction

1. Article 15 of the Minamata Convention on Mercury establishes an Implementation and Compliance Committee as a subsidiary body of the Conference of the Parties to the Convention. In accordance with article 15, the Committee consists of 15 members, nominated by parties and elected by the Conference of the Parties, with due consideration to equitable geographical representation based on the five regions of the United Nations. Its objective is to promote the implementation of, and review compliance with, all the provisions of the Convention. In accordance with paragraph 3 of article 15, in its decision MC-1/7, the Conference of the Parties at its first meeting elected the first 15 members of the Committee.

2. Subsequently, the Committee held its first meeting at International Environment House 2 in Geneva from 29 to 30 May 2018 The meeting was preceded by an information-sharing session on experiences from implementation and compliance mechanisms under other multilateral environmental agreements, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) and the Montreal Protocol on Substances that Deplete the Ozone Layer.

3. The following members of the Committee were present at the first meeting:

From the African States:

Ms. Hanitriniaina Liliane Randrianomenjanahary (Madagascar)

Mr. Mohamed Abdulai Kamara (Sierra Leone)

Ms. Bianca Hlob'sile Dlamini (Eswatini)

From the Asia-Pacific States:

Ms. Wang Qian (China)

Mr. Heidar Ali Balouji (Islamic Republic of Iran)

Mr. Waduwawatte Lekamalage Sumathipala (Sri Lanka), who was designated by the Government of Sri Lanka to replace Mr. S. M. D. P. Anura Jayatilake (Sri Lanka)

From the Central and Eastern European States:

Ms. Claudia Sorina Dumitru (Romania)

From the Latin American and Caribbean States:

Mr. Diego Henrique Costa Pereira (Brazil)

Ms. Vilma Morales Quillama (Peru)

Mr. Arturo Gavilán García (Mexico)

From the Western European and other States:

Ms. Janine van Aalst (Netherlands)

Mr. Mark Govoni (Switzerland)

Ms. Jennifer Landsidle (United States of America)

Item 1
Opening of the meeting

4. The first meeting of the Committee was opened at 12.10 p.m. on Tuesday, 29 May 2018, by Ms. Rossana Silva Repetto, Executive Secretary of the Minamata Convention, following an information-sharing session. She welcomed the members of the Committee to their first meeting and congratulated them on their election. Recognizing the wealth of lessons learned and good practices

that existed under the implementation and compliance committees of other multilateral environmental agreements, she expressed the hope that the information-sharing session had been instructive and useful to all the members. She reiterated her thanks to Mr. Govoni for presenting his extensive experience with the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention at the session. She underscored the opportunities presented by having the Implementation and Compliance Committee established by the Convention itself, as well as the key role the Committee would play towards a strong and effective agreement. Lastly, she highlighted the importance of the present meeting and the work that lay ahead for the Committee to ensure that it was equipped with solid operational foundations, gained the trust of the parties and all stakeholders, and was as efficient as possible in supporting countries and the successful and effective implementation of the Convention.

5. Following the opening statement and introductory remarks by Committee members, Ms. Silva Repetto informed participants that three members of the Committee had been unable to attend: Mr. S. M. D. P. Anura Jayatilake (Sri Lanka), Mr. Boyko Malinov (Bulgaria) and Ms. Inga Poroghin (Republic of Moldova). Mr. S. M. D. P. Anura Jayatilake had been replaced by Mr. Waduwawatte Lekamalage Sumathipala, designated by the Government of Sri Lanka as a replacement for the first meeting.

6. In the absence of a Chair of the Committee, it was agreed that Ms. Silva Repetto would preside over the meeting until the election of officers.

Item 2
Organizational matters

(a) Rules of procedure for the meeting

7. The Committee agreed to apply to the conduct of its first meeting, mutatis mutandis, the rules of procedure for the Conference of the Parties. It recognized, however, that certain rules or elements of rules might not be relevant to its proceedings. With regard to its officers, the Committee decided, without pre-empting the outcome of its upcoming discussions on its rules of procedure, that it would elect a chair together with a vice-chair who would also act as rapporteur.

8. During the introductory remarks, one member introduced an additional attendee from her country at the meeting, who was present owing to significant restructuring in their organization. For continuity reasons, she requested the Committee to allow, on an exceptional basis, the participation of the attendee as an adviser.

(b) Election of officers

9. The Committee elected Mr. Mohamed Abdulai Kamara (Sierra Leone) as Chair and Ms. Claudia Sorina Dumitru (Romania) as Vice-Chair and Rapporteur. The Chair thanked members of the Committee for the trust they had placed in him and expressed his confidence that the Committee would work collaboratively towards a successful outcome to its first meeting.

(c) Adoption of the agenda

10. The Committee adopted the following agenda on the basis of the provisional agenda prepared by the secretariat (UNEP/MC/ICC.1/1) and the annotations thereto (UNEP/MC/ICC.1/1/Add.1):

1. Opening of the meeting.
2. Organizational matters:
    (a) Rules of procedure for the meeting;
    (b) Election of officers;
    (c) Adoption of the agenda;
    (d) Organization of work.
3. Rules of procedure for the Implementation and Compliance Committee.
4. Terms of reference for the Implementation and Compliance Committee.
5. Work programme for the Implementation and Compliance Committee.
6. Submissions from any party with respect to its own compliance.
7. Other matters.
8. Adoption of the report.

9. Closure of the meeting.

(d) Organization of work

11. The Committee agreed on the organization of its work for its first meeting.

Item 3
Rules of procedure for the Implementation and Compliance Committee

12. The Committee turned to the consideration of its rules of procedure, which, in accordance with paragraph 5 of article 15 of the Minamata Convention, will be subject to approval by the Conference of the Parties at its second meeting.

13. Introducing the item, the representative of the secretariat drew attention to a document entitled "Proposals for rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury" (UNEP/MC/ICC.1/2), prepared by the secretariat to support the discussions on the matter. She explained that the proposals had been prepared on the basis of the rules of procedure for the Conference of the Parties, with adjustments and options proposed in the light of the provisions of article 15 of the Convention. Practice under other relevant multilateral environmental agreements had also been considered in developing the proposals. Following the presentation by the secretariat on the structure and overall approach of the proposals, the Committee agreed to use the proposals as the basis for its work.

14. The Committee considered in particular the rules relating to the following issues: scope of the rules, definitions for the purposes of the rules, membership, meetings, observers, agenda, officers, secretariat, conduct of business, voting, elections, languages, amendments to the rules of procedure and the overriding authority of the Convention. Elements from the rules of procedure for the Conference of the Parties that the Committee did not consider relevant or necessary were not included, in particular those pertaining to the holding of extraordinary meetings, subsidiary bodies, representation and credentials, voting on matters of procedure, voting by mechanical means and sound recording of meetings, among others.

15. The Committee agreed by consensus to its rules of procedure, and entrusted the secretariat to undertake any adjustments that might be necessary to ensure correct cross-referencing between the rules. The final version of the rules is set out in appendix I to the present report, and will be submitted to the Conference of the Parties at its second meeting for consideration and approval. The Committee also agreed on a draft decision on the approval of the rules by the Conference of the Parties at its second meeting, which is set out in appendix II to the present report.

Item 4
Terms of reference for the Implementation and Compliance Committee

16. The Committee discussed the issue of further terms of reference, which the Conference of the Parties may adopt as per paragraph 5 of article 15 of the Minamata Convention.

17. At the invitation of the Chair, the representative of the secretariat introduced possible elements of further terms of reference, as described in paragraph 20 of the annotations to the provisional agenda (UNEP/MC/ICC.1/Add.1). In the exchange of views that followed, additional elements were suggested for inclusion in possible terms of reference, including several issues on which article 15 of the Convention did not provide specific guidance.

18. The Committee agreed to develop further terms of reference and requested the secretariat to circulate a list of possible elements for such a document to the Committee members for comment. The Committee also requested the secretariat to prepare, on the basis of that list, proposals for consideration at its second meeting.

Item 5
Work programme of the Implementation and Compliance Committee

19. At the invitation of the Chair, the representative of the secretariat introduced a document entitled "Possible elements of a draft work programme for the Implementation and Compliance Committee of the Minamata Convention on Mercury" (UNEP/MC/ICC.1/3), which it had prepared to support participants in their consideration of the issue.

20. In the light of its functions and the type of information that it might use as a basis for its work in accordance with paragraph 4 of article 15 of the Minamata Convention, the Committee agreed that it would consider the following issues at its second meeting:

(a) Any request emanating from the second meeting of the Conference of the Parties to the Convention;

(b) Any submission from a party with respect to its own compliance;

(c) Further terms of reference for the Committee;

(d) Guidance in relation to written submissions from parties with respect to their own compliance.

21. In discussing the financial implications of its work, the Committee agreed on the need for a budget sufficient to cover the costs both of its meetings and of any specific work that it may need to undertake in order to fulfil its mandate, which could, in its initial years of existence, relate to the development and dissemination of outreach materials. The Committee also agreed that such a budget should be allocated by the Conference of the Parties.

22. Lastly, the Committee decided that its second meeting would take place in the second quarter of 2019, with the exact timing to be determined taking into consideration other relevant meetings on the chemicals and waste agenda.

Item 6
Submissions from any party with respect to its own compliance

23. The Committee noted that no submission initiated in accordance with paragraph 4 of article 15 of the Minamata Convention had been received.

Item 7
Other matters

24. Under this agenda item, the Committee discussed the need for a restricted area on the Minamata Convention website to allow for the secure exchange of information among members of the Committee, in particular in relation to specific submissions on parties' compliance, and decided to discuss the issue again at a subsequent meeting.

25. The Committee requested the secretariat to prepare for consideration at its second meeting, a draft presentation on the role and functioning of the Committee as well as the ways in which issues might be referred to it.

Item 8
Adoption of the report

26. The Committee agreed to adopt its report by electronic means, on the basis of a draft prepared by the Rapporteur with the support of the secretariat. The report, including appendices setting out the draft rules of procedure and the draft decision, would be submitted to the Conference of the Parties at its second meeting for consideration and for possible approval of the rules of procedure.

Item 9
Closure of the meeting

27. Following some closing remarks made by the Chair and the Executive Secretary, the Chair thanked the members of the Committee and the secretariat for their work and declared the meeting closed at 5.55 p.m. on Wednesday, 30 May 2018.

Appendix I

Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury

I. Introduction

Rule 1

The present rules of procedure shall apply to the Implementation and Compliance Committee of the Minamata Convention on Mercury.

Rule 2

For the purposes of the present rules:

1. "Convention" means the Minamata Convention on Mercury, adopted at Kumamoto, Japan, on 10 October 2013;

2. "Party" means a party as defined in article 2 (g) of the Convention;

3. "Conference of the Parties" means the Conference of the Parties established by article 23 of the Convention;

4. "Committee" means the Implementation and Compliance Committee established pursuant to paragraph 1 of article 15 of the Convention;

5. "Meeting" means any meeting of the Committee convened in accordance with rules 8 and 9;

6. "Chair" and "Vice-Chair" mean, respectively, the Chair and Vice-Chair of the Committee elected in accordance with paragraph 1 of rule 4;

7. "Member" means a member of the Committee elected or a replacement nominated in accordance with rule 3;

8. "Secretariat" means the secretariat established by paragraph 1 of article 24 of the Convention;

9. "Members present and voting" means members present at the meeting in which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting. For in-person meetings, "present" means physically present. For meetings through electronic means, "present" means participation through teleconference, video conference or other electronic means as decided.

II. Membership

Rule 3

1. The Committee shall consist of 15 members, nominated by Parties and elected by the Conference of the Parties, with due consideration to equitable geographical representation based on the five United Nations regional groups.

2. The members of the Committee shall have competence in a field relevant to the Convention and reflect an appropriate balance of expertise.

3. The first members of the Committee will serve from the end of the first ordinary meeting of the Conference of the Parties until the end of the third ordinary meeting of the Conference of the Parties. At its third ordinary meeting, the Conference of the Parties shall re-elect 10 members from among the first members of the Committee for one term, and elect 5 new members for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two terms new members to replace those members whose period of office is about to expire.

4. The term of a member shall start following the end of the ordinary meeting of the Conference of the Parties at which the member is elected and end at the end of the next ordinary meeting of the Conference of the Parties. A term is the period from the end of one ordinary meeting of the Conference of the Parties until the end of the next ordinary meeting of the Conference of the Parties.

5. A member shall not serve for more than two consecutive terms.

6. If a member of the Committee resigns or is otherwise unable to complete the assigned term of office or to perform his or her functions, the Party who nominated that member shall name another person to replace the said member for the remainder of his or her term.

III. Officers

Rule 4

1. During each in-person meeting of the Committee, a Chair and a Vice-Chair, who shall act as Rapporteur, shall be elected from among the members present at the meeting, with due consideration to equitable geographical representation based on the five United Nations regional groups.

2. These officers shall commence their term of office at the closure of the meeting at which they are elected and remain in office until the closure of the following meeting of the Committee.

3. The offices of the Chair and Vice-Chair shall normally be subject to rotation among the United Nations regional groups.

Rule 5

1. In addition to exercising the powers conferred upon the Chair elsewhere by the present rules, the Chair shall declare the opening and closing of the meeting, preside at the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The Chair shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

2. The Chair may propose to the Committee the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each speaker may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The Chair, in the exercise of the functions of that office, remains under the authority of the Committee.

Rule 6

1. The Chair, if temporarily absent from a meeting or any part thereof, shall designate the Vice-Chair to act as Chair.

2. A Vice-Chair acting as Chair shall have the powers and duties of the Chair.

Rule 7

If the Chair or Vice-Chair resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Committee shall, at its subsequent meeting, elect a new Chair or Vice-Chair from among the members of the Committee.

IV. Meetings

Rule 8

1. The secretariat, in consultation with the Chair, shall make appropriate arrangements for the meetings of the Committee. The Committee shall discuss the date of its subsequent meeting at the close of its meeting.

2. Meetings may take place through electronic or other means should the Committee consider that matters under discussion could be addressed in this manner.

Rule 9

Unless otherwise decided by the Committee, meetings of the Committee shall be held in person at least once between each ordinary meeting of the Conference of the Parties.

Rule 10

1. The secretariat shall notify all members of the dates and venue of each meeting at least sixty days before the meeting in question is due to commence.

2. The secretariat shall announce the date and venue of the next meeting of the Committee on the website of the Minamata Convention.

V. Observers

Rule 11

The Committee may invite observers to its meetings, or segments thereof, if at least a majority of members so decide. Invitations to observers will be extended by the secretariat upon request and on behalf of the Committee. The participation of observers will be at their own expense.

Rule 12

Such observers may comprise any party, the United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any State not party to the Convention, any entity operating the mechanism referred to in paragraph 5 of article 13 of the Convention as well as any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and has been approved to attend meetings of the Conference of the Parties, or any individual with particular expertise relevant to matters under consideration.

Rule 13

The secretariat shall inform the Committee of any requests to attend the meeting received from observers as defined in rule 12, and extend invitations to these observers in accordance with rule 11. The secretariat shall notify those entitled to be observers pursuant to rule 12, of the date and venue of the next meeting by means of an announcement on the website of the Minamata Convention.

Rule 14

Where the Committee is considering an issue on the basis of a specific submission relating to the compliance of an individual Party, that Party shall be invited to participate in the consideration of the issue by the Committee. Such sessions shall not be open to observers, unless otherwise agreed by the Committee and the Party concerned.

Rule 15

Deliberations to prepare recommendations or voting on recommendations shall be closed to all observers.

VI. Agenda

Rule 16

In agreement with the Chair, the secretariat shall prepare the provisional agenda of each meeting.

Rule 17

The provisional agenda of each meeting shall include, as appropriate:

(a) Items arising from the functions of the Committee as specified in article 15 of the Convention, including any submission from a Party with respect to its own compliance that is received at least eight weeks before the first day of the meeting;

(b) Items the inclusion of which has been decided at a previous meeting;

(c) Items referred to in rule 21 of the present rules of procedure;

(d) The work programme of the Committee, as well as an item regarding the venue, date and duration of its next meeting;

(e) Any item proposed by a member and received by the secretariat before the provisional agenda is circulated.

Rule 18

For each meeting, the provisional agenda, together with supporting documents, shall be issued in English and distributed by the secretariat to the members at least four weeks before the opening of the meeting.

Rule 19

The secretariat shall, in agreement with the Chair, include any item that is proposed by a member and has been received by the secretariat after the provisional agenda for a meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Rule 20

When adopting the agenda for a meeting, the Committee may decide to add, delete, defer or amend items. Only items that are considered by the Committee to be urgent and important may be added to the agenda.

Rule 21

Any item of the agenda of a meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next meeting, unless otherwise decided by the Committee.

VII. Secretariat

Rule 22

1. The head of the secretariat, or the representative of the head of the secretariat, shall exercise the functions of that office in all meetings of the Committee.

2. The head of the secretariat shall arrange for the provision of staff and services required by the Committee, within available resources. The head of the secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Chair and the Vice-Chair of the Committee.

Rule 23

In addition to the functions specified elsewhere in the present rules, the secretariat shall, in accordance with the present rules:

(a) Arrange for interpretation at the meeting, as may be required under rule 39;

(b) Collect, translate as may be required under rule 40, reproduce and distribute the documents of the meeting;

(c) Distribute the official documents of the meeting;

(d) Arrange for the custody and preservation of the documents of the meeting.

VIII. Conduct of business

Rule 24

The Chair shall not declare a session of the meeting of the Committee open or permit the debate to proceed unless at least one third of the members are present. The presence of two thirds of the members shall be required for any decision to be taken.

Rule 25

1. No one may address a meeting without having previously obtained the permission of the Chair. Subject to rules 26 and 27, the Chair shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The Chair may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Committee may, on a proposal from the Chair or from any member, limit the time allowed to each speaker and the number of times each speaker may speak on a question. Before a decision is taken, two members may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Chair shall call the speaker to order without delay.

Rule 26

During the discussion of any matter, a member may at any time raise a point of order, on which the Chair shall immediately rule in accordance with the present rules. A member may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the members present and voting. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 27

1. Subject to rule 26, the following motions shall have precedence in the order indicated below over all other proposals or motions:

(a) To suspend the session;

(b) To adjourn the session;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraphs 1 (a)–(d) of the present rule shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

IX. Voting

Rule 28

Each member shall have one vote.

Rule 29

1. The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a three-fourths majority vote of the members present and voting, based on a quorum of two-thirds of the members.

2. The Committee shall make every effort to reach consensus on matters relating to the conduct of its business. If no consensus is reached, such matters shall as a last resort be decided by a majority vote of the members present and voting, based on a quorum of two-thirds of the members.

Rule 30

If two or more proposals relate to the same question, the Committee, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 31

1. Any member may request that any part of a proposal or of an amendment to a proposal be voted on separately. The Chair shall allow the request unless a member objects. If an objection is made to the request for division, the Chair shall permit two members to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The Chair may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to a vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Rule 32

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 33

If two or more amendments to a proposal are proposed, the Committee shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment

furthest removed therefrom, and so on, until all the amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under the present rule.

Rule 34

Voting, except for elections, shall normally be by show of hands. If at any time, however, a member requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 35

After the Chair has announced the beginning of voting, no member shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chair may permit the members to explain their votes, either before or after the voting. The Chair may limit the time to be allowed for such explanations. The Chair shall not permit the proposer of a proposal or of an amendment to a proposal to explain his or her vote on his or her own proposal or amendment, except if it has been amended.

X. Elections

Rule 36

All elections shall be held by secret ballot.

Rule 37

1. If, when one person is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the members present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of the present rule.

XI. Languages

Rule 38

The working language of the Committee shall be English.

Rule 39

1. Sessions of the meetings of the Committee where the implementation and/or compliance of a particular Party is being considered shall be interpreted from an official language of the United Nations other than English into English if so requested by the particular Party.

2. A representative of a Party may speak in a language other than English if the Party provides for interpretation into English.

Rule 40

1. Official documents of the meetings shall be drawn up in English.

2. Submissions from Parties as per paragraph 4 (a) of article 15 of the Convention shall be made in one of the six official languages of the United Nations. When submitted in one of the official languages of the United Nations other than English, the secretariat shall make arrangements for their translation into English before their distribution.

3. The secretariat shall also make arrangements for the translation into English of national reports, or sections thereof, in one of the United Nations official languages other than English, prior to their distribution, when issues are to be considered by the Committee on the basis of national reports, in accordance with paragraph 4 (b) of article 15 of the Convention, or when such national reports or sections thereof are required for the consideration of an issue on the basis of requests from the Conference of the Parties, in accordance with paragraph 4 (c) of article 15 of the Convention.

XII. Amendments to the rules of procedure

Rule 41

The present rules of procedure may be amended with the approval of the Conference of the Parties. The Committee may submit to the Conference of the Parties for consideration and approval recommendations to amend the present rules of procedure.

XIII. Overriding authority of the Convention

Rule 42

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

Appendix II

Draft decision MC-2/[XX]: Rules of procedure for the Implementation and Compliance Committee of the Minamata Convention on Mercury

The Conference of the Parties,

Recalling paragraph 5 of article 15 of the Minamata Convention on Mercury,

Having considered the report of the Implementation and Compliance Committee,

Noting with appreciation the work undertaken by the Implementation and Compliance Committee,

Decides to approve the rules of procedure for the Implementation and Compliance Committee set out in the annex to the present decision.

UNITED NATIONS

MC

UNEP/MC/COP.2/12

Distr.: General
3 September 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (h) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: cooperation with the World Health Organization and the International Labour Organization

Cooperation with the World Health Organization and the International Labour Organization

Note by the secretariat

1. In paragraph 2 of article 16, on health aspects, the Minamata Convention on Mercury specifies that the Conference of the Parties, in considering health-related issues or activities, should consult and collaborate with the World Health Organization (WHO), the International Labour Organization (ILO) and other relevant intergovernmental organizations, as appropriate, and should promote cooperation and exchange of information with those organizations, as appropriate.

2. At its first meeting, held in Geneva from 24 to 29 September 2017, the Conference of the Parties to the Minamata Convention requested the secretariat to continue to actively engage in cooperation and collaboration with WHO, ILO and other relevant organizations in the implementation of the Minamata Convention.

3. The key areas for such cooperation and collaboration with WHO include mercury thermometers and sphygmomanometers in health care, antiseptics, skin-lightening products and dental amalgam (art. 4 and annex A); public health strategies for artisanal and small-scale gold mining (art. 7 and annex C); human health risk assessment for contaminated sites (art. 12); the "health aspects" article (art. 16); health information exchange (art. 17); public information, awareness and education on human health (article 18); and health-related research, development and monitoring (art. 19), where ministries of health are envisaged to play a leading role. In addition, the secretariats of WHO and the Minamata Convention collaborate to support capacity-building and technical assistance (article 14) and effectiveness evaluation (art. 22).

4. The secretariat has undertaken many cooperative activities with WHO in the period since the first meeting of the Conference of the Parties, including participating in regional workshops promoting the Convention to health ministries, as well as technical cooperation on guidance documents and enquiries on matters related to health issues. WHO has participated in the intersessional work on effectiveness evaluation, making major contributions to the draft report prepared by the group of experts. An update on the activities of WHO relevant to the Minamata Convention is set out in the annex to the present note.

* UNEP/MC/COP.2/1.

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5. The key areas for cooperation and collaboration with ILO include the development and implementation of science-based educational and preventive programmes on occupational exposure to mercury and mercury compounds and the establishment and strengthening of institutional and health professional capacity for the prevention, diagnosis, treatment and monitoring of health risks related to exposure to mercury and mercury compounds.

6. Opportunities for cooperative activities with ILO have been more limited in this period. However, the secretariat continues to engage with the organization through the Inter-Organization Programme for the Sound Management of Chemicals, the international coordinating mechanism on chemicals management.

Suggested action by the Conference of the Parties

7. The Conference of the Parties may wish to request the secretariat to continue active cooperation and collaboration on health-related issues with the relevant intergovernmental organizations, in particular WHO and ILO. The Conference of the Parties may wish to consider ways in which to operationalize the implementation of paragraph 2 of article 16, including the possibility of formalizing cooperative arrangements.

Annex

Work of the World Health Organization relevant to the Minamata Convention on Mercury

1. Collaboration between the World Health Organization (WHO) and the Conference of the Parties to and secretariat of the Minamata Convention on Mercury stems from the Convention text, in particular paragraph 2 of article 16; the resolution on matters pertaining to other international bodies of the Conference of the Plenipotentiaries; and World Health Assembly (WHA) resolution WHA67.11 on public health impacts of exposure to mercury and mercury compounds: the role of WHO and ministries of public health in the implementation of the Minamata Convention.

2. In the period from June 2017 to July 2018, WHO activities relevant to the Minamata Convention have focused on the following.

WHO guidance on prioritization and planning for implementation of the health-related articles of the Minamata Convention

3. Owing to the multiple roles required of ministries of health in implementing the Minamata Convention, WHO is developing guidance on overall prioritization and planning for implementation of the health-related articles of the Convention. This short "umbrella" document will reference technical guidance already prepared by WHO and provide additional guidance on the mainstreaming of mercury actions into various health programmes in support of article 16 on health aspects.

Regional workshops convened by WHO

4. WHO has completed a series of regional workshops to raise awareness and promote networking among ministries of health to support the implementation of the Minamata Convention and resolution WHA67.11.

5. Further to earlier workshops for the WHO regions of the Americas, Europe, and the Eastern Mediterranean, workshops were held for the WHO Western Pacific region in Minamata, Japan, on 29 and 30 June 2017, co-organized by WHO, the Ministry of the Environment of Japan and the Minamata city government; for the WHO South-East Asia region in Bangkok on 3 and 4 July 2017; and for the Africa region in Johannesburg, South Africa, on 9 and 10 April 2018. A booklet summarizing the outcomes of the WHO workshops is in preparation, for release in November 2018.

Minamata initial assessments

6. In 2017, WHO, as co-executing agency of a Minamata initial assessment project funded by the Global Environment Facility (GEF), supported seven francophone countries (Benin, Burkina Faso, Guinea, Mali, Niger, Senegal and Togo) to successfully implement activities to complete their pre-ratification preparations under the Minamata Convention. The project supported the conduct of initial assessments on the use and management of mercury in the health system and produced communication materials on the health impacts of mercury. Based on the support provided, countries have been able to better undertake policy and strategic decision-making based on evidence as well as identify priority areas for interventions. In order to facilitate sharing of experiences and best practices among the countries to curb mercury use, WHO has developed communication materials reinforcing the role of the health sector in the implementation of the Minamata Convention.

Artisanal and small-scale gold mining

7. WHO has worked towards the development of a guidance document for health ministries on addressing the health impacts of artisanal and small-scale gold mining (ASGM). The initiative was established in response to resolution WHA67.11 and draws on a member State consultative process.

8. In addition, WHO is piloting the use of the guidance in three African countries that are in the process of developing wider national action plans on ASGM as required under the Convention. The pilot work has been carried out in Ghana, Mozambique and Nigeria and comprises a rapid health situation assessment and institutional capacities and systems assessment. The activities in Mozambique will be completed by December 2018 and those in Ghana and Nigeria by May 2019.

9. Other materials on ASGM and health that are in progress include guidance on how to conduct a rapid assessment of the health situation of ASGM miners and their family members, based on the pilot carried out in the three African countries.

Dental amalgam

10. The phase-down of dental amalgam through the Minamata Convention can catalyse a profound change in dentistry. WHO developed and disseminated to member States, international oral health partners and other stakeholders a set of strategic interventions aligned with the nine measures set out in annex A of the Convention. Those interventions are directed towards a multipronged approach that combines waste management, knowledge management and the strengthening of health systems in the context of universal health coverage.[1]

Mercury-containing thermometers and sphygmomanometers

11. WHO is partnering in the GEF project entitled "Reducing UPOPs and Mercury Releases from the Health Sector in Africa", which is being implemented by the United Nations Development Programme (2016–2019). The project introduces mercury-free thermometers and sphygmomanometers in pilot health facilities in four sub-Saharan African countries (Ghana, Madagascar, United Republic of Tanzania and Zambia).

Mercury and methylmercury in fish

12. The Codex Committee on Contaminants in Foods is continuing its work on establishing maximum limits for mercury in fish.[2]

Biomonitoring

13. WHO, through its Regional Office for Europe, has collaborated with the United Nations Environment Programme on the implementation of a GEF project entitled "Development of a plan for global monitoring of human exposure to and environmental concentrations of mercury". A harmonized approach to the assessment of prenatal exposure to mercury has been developed, including a WHO survey protocol and a series of standard operating procedures for sampling and analysis. Data on exposure to mercury from seven countries has been collected and will be published in a scientific journal.

Intersessional work of the Conference of the Parties

14. WHO contributed to the work of the ad hoc group of experts on the arrangements for providing the Conference of the Parties with comparable monitoring data, and elements of an effectiveness evaluation framework under article 22 of the Convention. WHO participated in the meeting of the group, held in Ottawa from 5 to 9 March 2018. WHO also provided comments on the first draft of the guidance on the management of contaminated sites.

Global mercury assessment

15. WHO has led the development of a chapter on human biomonitoring of mercury for the 2018 Global Mercury Assessment, which presents global data on mercury exposure, shows trends over time and identifies data gaps.

World Health Assembly

16. As requested during the seventieth World Health Assembly, the WHO Secretariat will report to the seventy-second World Health Assembly and the seventy-fourth World Health Assembly on the implementation of resolution WHA67.11.

[1] http://www.who.int/bulletin/volumes/96/6/17-203141.pdf.

[2] http://www.fao.org/fao-who-codexalimentarius/meetings-reports/en/.

UNITED NATIONS

MC

UNEP/MC/COP.2/13

Distr.: General
25 September 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (i) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: effectiveness evaluation

Report on the outline, plan and elements of the effectiveness evaluation framework

Note by the secretariat

1. At its first meeting, the Conference of the Parties adopted, in decision MC-1/9, a road map for establishing arrangements for providing the Conference of the Parties with comparable monitoring data, and elements of an effectiveness evaluation framework under article 22 of the Minamata Convention on Mercury, set out in annex I to the decision. The road map included a face-to-face meeting of an ad hoc group of experts with the aim of preparing a draft report including an outline, a plan and elements of the effectiveness evaluation framework.

2. The ad hoc group of experts was established in accordance with the terms of reference set out in annex II to decision MC-1/9 and met in Ottawa from 5 to 9 March 2018. Its recommendations are set out in the annex to the present note. The report on the work of the ad hoc group of experts on effectiveness evaluation is set out in document UNEP/MC/COP.2/INF/8.

3. As was established in the road map, the draft report on the work of the group was made available by the secretariat on the website of the Minamata Convention from May 2018 for comment. A number of parties and other entities submitted comments, which are set out in document UNEP/MC/COP.2/INF/8. The report was revised and finalized on the basis of those comments. Some of the comments, however, require further discussion by the group, with guidance from the Conference of the Parties, and could therefore not be reflected in the report. Those comments include the following:

(a) One party stated that the ad hoc group should revise the draft report to better align it with the scope of the mandate as set out in annex II to decision MC-1/9. The party suggested as examples of instances where the group had not adhered to its mandate the lack of review of other multilateral environmental agreement effectiveness evaluation frameworks outside of that of the Stockholm Convention on Persistent Organic Pollutants and the lack of a detailed assessment of how information from existing monitoring programmes could be integrated into the effectiveness evaluation.

(b) Concern was raised regarding the proposal for developing a global monitoring plan, given that article 22 of the Convention provides that effectiveness evaluation is to be conducted on the

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basis of available information. It was noted that the Minamata Convention does not require parties to conduct monitoring or call for the development of a monitoring report.

(c) Several comments were made about the group's conclusion that monitoring data should be gathered on levels of mercury in air, biota and humans (hair and cord blood), suggesting the need for further consideration of other matrices for collecting data.

(d) One party recommended in its submission that a "global mercury monitoring technical guide" be developed to facilitate the collection of comparable data. Other comments pointed out the need for capacity-building and for cooperation with civil society.

(e) Concern was expressed that the ad hoc group of experts had not provided options for potential approaches to conducting the effectiveness evaluation, but had developed one approach extensively, including proposing article-by-article performance indicators.

(f) With regard to sources of information for the effectiveness evaluation, one party stated that the effectiveness evaluation should be based on what the parties submitted to the secretariat in accordance with the requirements of the Convention, and proposed the deletion of references to other information sources from the monitoring framework and the list of potential indicators. Other commenters, however, supported the use of other information sources, including various project reports.

(g) One party observed that the draft report included a number of assertions without clarification of how the ad hoc group had reached its conclusions or the provision of supporting scientific evidence, including citations to scientific papers and reports, to support judgements contained therein. It suggested that the absence of such clarification or supporting evidence undermined the parties' ability to understand the context of its suggestions.

Suggested action by the Conference of the Parties

4. The Conference of the Parties may wish to consider the recommendations of the ad hoc group of experts, as well as the submissions by parties and other entities regarding the group's report. The Conference of the Parties may wish to request the ad hoc group of experts to continue its work and review its recommendations, taking into account the discussions on the matter and the guidance provided by the Conference of the Parties at its second meeting, as well as other issues and concerns that might be raised at the meeting, and to submit a report further elaborating the proposed arrangements on comparable monitoring data and elements of an effectiveness evaluation framework for consideration by the Conference of the Parties at its third meeting.

Annex

Recommendations of the expert group in relation to monitoring

Recommendations on arrangements on monitoring data

Outline of the types of data that could be comparable on a global basis and of their availability, along with a draft plan integrating comparable results for future monitoring

1. The Conference of the Parties should:

- Establish relationships through the secretariat with bodies that manage existing information;
- Request experts to develop terms of reference for monitoring arrangements and for the implementation of the proposed plan;
- Make a recommendation to the Global Environment Facility (GEF)[1] on the need for support in the collection of essential data and facilitate sustainable input of monitoring information for effectiveness evaluation.

Review of information on existing monitoring programmes

2. The Conference of the Parties should request countries and organizations to continue providing information on their monitoring programmes to feed into discussions at the third meeting of the Conference of the Parties.

Assess to what extent the information reviewed meets the needs for monitoring set out in paragraph 2 of article 22 of the Minamata Convention on Mercury, and on that basis outline options to enhance the comparability and completeness of the information reviewed

3. The Conference of the Parties should develop a global monitoring plan that includes recommendations with regard to the gaps in available information which should be addressed to fully meet the information needs described in paragraph 2 of article 22.

Consideration of cost-effectiveness, practicality, feasibility and sustainability, global coverage, and regional capabilities in identifying opportunities for future enhancement of monitoring

4. The group concluded that for the requirements of article 22 of the Convention regarding monitoring data to be met, information should be gathered on levels of mercury in air, biota and humans. Cost-effective, practical, feasible and sustainable methods are available for all types of monitoring. For air, it is recommended that a combination of air sampling (both active and passive) and wet deposition, where feasible, be undertaken. For human biomonitoring, hair and cord blood meet all the criteria for inclusion in a global monitoring programme. For biota, the sampling methods might vary depending on the biome and the objective; however, sampling that meets all the considerations is possible. It was noted that, while global coverage of monitoring did not exist, the draft plan[2] included recommendations on how to address existing gaps in coverage. The technologies, analytical capacity and expertise needed to establish global monitoring are available. The group considered that steady progress could be made towards monitoring at the global level as additional programmes were established.

[1] Note that GEF appeared to be more relevant for funding that the Specific International Programme, although it is possible that an individual country might identify monitoring activities which are a strong national priority with arguments as to how the monitoring activities support sustainable implementation of its obligations under the Convention.

[2] See UNEP/MC/COP.2/INF/8 for further details of the draft plan.

Identification of available modelling capabilities to assess changes in global mercury levels within and across different media

5. The Conference of the Parties should:

- Encourage parties to endeavour to cooperate in developing and improving research to include modelling and to validate models, including addressing gaps in modelling such as those related to artisanal and small-scale gold mining (ASGM);
- Request organizations to work on the development, validation and further use of models, including intercompartmental modelling (such as on biota, air and humans, or air–water fluxes);
- Ensure the use of modelling to inform the development of the monitoring plan, as well as any future adjustment of the plan, and to develop information for the effectiveness evaluation.

Identification of sources of data that could be used for establishing a baseline

6. The Conference of the Parties should consider making arrangements for a formal process to establish the collection, management and publication of mercury data under the Minamata Convention for the purpose of facilitating effectiveness evaluation, and the need to establish a baseline for that process. Available sources of information, including the Global Mercury Assessment, should be considered in making such arrangements.

Identification of how monitoring activities might contribute to the development of the effectiveness evaluation framework

7. Recommendations on how information from monitoring, together with appropriate assessment of causality, might contribute to the evaluation of certain articles include:

Article	*Description of how global monitoring data (air, human, biota) could contribute to evaluation of the effectiveness of the Convention*
Article 1 – Objective	• Level of mercury in air, humans and biota • Attribution of levels of mercury in the environment and humans from anthropogenic emissions and releases estimated by modelling information
Article 7 – ASGM	• Mercury levels in humans • Mercury levels in fish and other biota downstream of ASGM activities • Mercury levels in ambient air
Article 8 – Emissions	• Mercury levels in ambient air • Mercury levels in biota for the consideration of local impacts and long-range transport
Article 9 – Releases	• Mercury levels in fish and other biota and humans
Article 12 – Contaminated sites	• Mercury levels in air, humans and biota
Article 16 – Health aspects	• Mercury levels in humans (tracks success in protecting vulnerable populations)
Article 18 – Public information, awareness and education	• Number of parties that have public information on mercury levels in air, humans and biota
Article 19 – Research, development and monitoring	• Number of parties that cooperate to develop and improve information available for inclusion in the global monitoring report (including through existing data sources)

Recommendations on elements of an effectiveness evaluation framework

8. The ad hoc expert group developed an initial list of indicators for the first effectiveness evaluation. Further work is needed to review the data limitations and baseline for those indicators, as well as to develop methods to analyse the article-by-article indicators for the overall effectiveness evaluation, and to consider the use of monitoring information in effectiveness evaluation.

9. The ad hoc expert group recommends a two-stage process and a schedule for the first effectiveness evaluation as follows. The Conference of the Parties should consider the proposal with a view to establishing an effectiveness evaluation framework at its third meeting.

➢ Stage 1: Information collection and compilation

- Article 21 reporting – secretariat to compile as part of the reporting cycle, including a set of descriptive statistics
- Other submissions to the secretariat (import consent, national action plans, emission inventory, exemption, voluntary national implementation plans, etc.)
- Global monitoring report[3]
- Report of the Implementation and Compliance Committee
- Report by GEF
- Report of the Specific International Programme
- Report of the Special Programme to support institutional strengthening at the national level for implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention and the Strategic Approach to International Chemicals Management
- Other relevant information including the Global Mercury Assessment, the United Nations Environment Programme supply, trade and demand report, voluntary submissions, reports of intergovernmental organizations (World Health Organization, International Labour Organization, United Nations Development Programme, Arctic Monitoring and Assessment Programme, United Nations Industrial Development Organization, etc.), Minamata Convention initial assessments, Global Mercury Partnership, project reports, United Nations trade data, scientific literature, among others.

➢ Stage 2: information synthesis and evaluation

- The secretariat prepares a preliminary report using the information from stage 1. The preliminary report includes a compilation of the various information and data available to facilitate the evaluation of the Convention.
- The effectiveness evaluation committee will review and assess the information compiled by the secretariat.
- The Committee draws conclusions as to the effectiveness of the Convention, and make recommendations to the Conference of the Parties on any improvements that might be warranted.

[3] The report of the ad hoc expert group includes a proposal to develop a global monitoring report for the effectiveness evaluation (see UNEP/MC/COP.2/INF/8).

Proposed schedule for the first effectiveness evaluation

Year	*Available information*	*Monitoring data*	*Effectiveness evaluation*
2017 – entry into force, first meeting of the Conference of the Parties			
2018 – second meeting of the Conference of the Parties	• Global Mercury Assessment • Most Minamata Convention initial assessments completed	• Conference of the Parties considers results of intersessional work and how to address gaps and organize future monitoring, including organizational arrangements	• Conference of the Parties considers result of intersessional work and considers how to establish effectiveness evaluation framework
2019 – third meeting of the Conference of the Parties	• Article 21 reporting: first biennial short report by 31 December	• Approve monitoring arrangements, including timeline for submission of data	• Effectiveness evaluation framework adopted • Effectiveness evaluation committee members nominated
2020	• First national action plans on ASGM start to be submitted • Submission on release source categories		
2021 – fourth meeting of the Conference of the Parties	• Article 21 reporting: first full report by 31 December	• Conference of the Parties initiates the first monitoring report, which will feed into effectiveness evaluation	• All stage 1 reports to be submitted to the secretariat (except for global monitoring report)
2022	• Article 21 national reports compiled • Emissions/release inventories start to be submitted	• Prepare monitoring report and submission to the Committee to feed into effectiveness evaluation report – to address para. 2 of Article 22 in facilitating the evaluation	• June: stage 1 completed • December: secretariat to develop preliminary analysis • Committee meets to review the information
2023 – fifth meeting of the Conference of the Parties	• Biennial report • National action plan review	• Conference of the Parties welcomes monitoring report	• Conference of the Parties welcomes effectiveness evaluation report

10. The terms of reference of an effectiveness evaluation committee, as proposed in the report on the work of the ad hoc group of experts on effectiveness evaluation (see UNEP/MC/COP.2/INF/8), should be included in the effectiveness evaluation framework.

UNITED NATIONS

MC

UNEP/MC/COP.2/14

Distr.: General
29 August 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (j) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: financial rules

Financial rules for the Conference of the Parties to the Minamata Convention on Mercury, its subsidiary bodies and the secretariat of the Convention

Note by the secretariat

1. By its decision MC-1/10, the Conference of the Parties to the Minamata Convention on Mercury adopted the financial rules for the Conference of the Parties and any of its subsidiary bodies, as well as financial provisions governing the functioning of the secretariat of the Convention. A set of brackets remained in paragraph 3 (e) of rule 5 on contributions and there are also brackets in the annex to the financial rules that detail the procedure for the allocation of funding from the Special Trust Fund for facilitating the participation of parties in meetings of the Conference of the Parties. Paragraph 2 of that annex is in bracket[illegible]d that paragraph contains further bracketed text. Lastly, there are brackets in paragraph 5 of the annex.

2. The secretariat presents, for the consideration of the Conference of the Parties at its second meeting, the text of paragraph 3 (e) of rule 5 of the financial rules, and of paragraphs 2 and 5 of the annex to the financial rules in annex I to the present note. The bracketed text remaining in paragraph 3 (e) of rule 5 relates to the Conference of the Parties making decisions on appropriate measures when payment schedules are not jointly decided or respected, taking into account the specific needs and the special circumstances of developing countries and particularly least developed countries or small island developing States, or only those of least developed countries or small island developing States. Paragraph 2 of the annex refers to the procedure giving attention to least developed countries and small island developing States, and the procedure being guided by established United Nations practice. Paragraph 5 of the annex refers to a list of sponsored delegates being prepared by the head of the secretariat with a view to ensuring adequate geographical representation of eligible regions. The matter of whether priority or special attention should be given to least developed countries and small island developing States remains in brackets.

3. A draft decision providing for the adoption of the outstanding text in the financial rules and in its annex is set out in annex II to the present note.

* UNEP/MC/COP.2/1.

Suggested action by the Conference of the Parties

4. The Conference of the Parties may wish to consider the outstanding paragraph in rule 5 of the financial rules, and the remaining outstanding paragraphs in the annex to the financial rules with a view to adopting the final text.

Annex I

Paragraph 3 of rule 5 of the financial rules, and paragraphs 2 and 5 of the annex to the financial rules

Rule 5, paragraph 3

3. In respect of contributions made pursuant to rule 5, paragraph 1 (a):

(a) Contributions for each calendar year are expected by 1 January of that year and should be paid promptly and in full. Parties should be notified of the amount of their contributions for a given year by 15 October of the previous year;

(b) Each party shall, as far in advance as possible of the date due for the contribution, inform the head of the secretariat of the contribution it intends to make and of the projected timing of that contribution;

(c) If the contributions of any parties have not been received by 31 December of the relevant year, the head of the secretariat shall write to those parties to impress upon them the importance of paying their respective outstanding contributions for prior periods and shall report to the Conference of the Parties at its next meeting on the consultations with such parties;

(d) If the contributions of any party have not been received after two or more years, the head of the secretariat shall jointly decide with any party who has outstanding contributions to develop a payment schedule to permit such party to pay all outstanding contributions within six years, depending on the financial circumstances of the party, and to pay future contributions promptly. The head of the secretariat shall report to the Bureau and to the Conference of the Parties at their next meetings on progress under any such schedule;

(e) If a payment schedule is not jointly decided or respected, the Conference of the Parties will decide on appropriate measures, taking into account the specific needs and the special circumstances of [developing countries, particularly] least developed countries or small island developing States;

(f) Given the importance of the full and effective participation of developing country parties, in particular least developed countries and small island developing States, and parties with economies in transition, the head of the secretariat shall remind parties of the need for contributions to the Special Trust Fund at least six months prior to each ordinary meeting of the Conference of the Parties, reflecting on the financial need, and urge parties in a position to do so to ensure that any contributions are paid at least three months before the meeting.

Annex to the financial rules, paragraphs 2 and 5

2. [The procedure should give [priority][special] attention to least developed countries and small island developing States and thereafter aim at ensuring adequate representation of all eligible parties. It should continue to be guided by established United Nations practice.]

5. Based on the availability of financial resources and the number of requests received, the head of the secretariat shall prepare a list of sponsored delegates. The list shall be established in accordance with paragraphs 1 and 2 above with a view to ensuring adequate geographical representation of eligible regions, [with [priority][special] attention given to least developed countries and small island developing States].

Annex II

Draft decision MC-2[XX]: Financial rules

The Conference of the Parties,

Recalling paragraph 4 of article 23 of the Minamata Convention on Mercury,

Having resolved the outstanding issues pertaining to paragraph 3 of rule 5 and the outstanding issues pertaining to the annex,

Decides to adopt the following text as paragraph 3 (e) of rule 5 of the financial rules, and as [paragraph 2 and] paragraph 5 of the annex to the rules:

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UNITED
NATIONS

MC

UNEP/MC/COP.2/15

Distr.: General
29 August 2018

Original: English

United Nations
Environment
Programme

**Conference of the Parties to the
Minamata Convention on Mercury
Second meeting**
Geneva, 19–23 November 2018
Item 5 (k) of the provisional agenda*
**Matters for consideration or action by the
Conference of the Parties: secretariat**

Review of the organizational arrangements of the secretariat

Note by the secretariat

1. In its decision MC-1/11, on the secretariat, the Conference of the Parties to the Minamata Convention on Mercury noted that a secretariat had been established pursuant to paragraph 1 of article 24 of the Convention; recalled paragraph 3 of article 24 designating the Executive Director of the United Nations Environment Programme to perform the secretariat functions for the Convention; and welcomed the offer of the Government of Switzerland to host the secretariat in Geneva and to provide an annual host country contribution of 1 million Swiss francs.

2. By the same decision, the Conference of the Parties requested the Executive Director of the United Nations Environment Programme to perform the secretariat functions initially through a secretariat of the Minamata Convention located in Geneva; decided to review the organizational arrangements, including location and the host country contribution, at its second meeting, in accordance with the spirit of the offer of the Government of Switzerland to host the permanent secretariat; and requested that, in the interim, the secretariat continue to cooperate and coordinate, as appropriate, with other relevant actors, including the secretariat of the Basel Convention on the Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants and the relevant units of the United Nations Environment Programme in order to make full use of relevant experience and expertise. The full text of the decision is reproduced in the annex to the present note.

3. Upon the conclusion of the first meeting of the Conference of the Parties, the Executive Director of the United Nations Environment Programme began to set up the secretariat of the Minamata Convention. An overview of the activities of the secretariat, including creating the secretariat as a new entity, setting up the premises of the secretariat, creating the posts of the secretariat, establishing the trust funds of the convention, commencing the implementation of the secretariat's programme of work, and establishing cooperation and coordination with other relevant actors, including the secretariat of the Basel, Rotterdam and Stockholm conventions and the relevant units of the United Nations Environment Programme, are set out in document UNEP/MC/COP.2/17.

4. In December 2017, the Executive Director of the United Nations Environment Programme received a letter from the then President of Switzerland, Ms. Doris Leuthard, confirming the content of the offer from the Government of Switzerland made during the first meeting of the Conference of the

* UNEP/MC/COP.2/1.

Parties to host the secretariat of the Minamata Convention in Geneva. The original letter, confirming the elements of the Swiss offer, is reproduced in document UNEP/MC/COP.2/INF/4.

5. In June 2018, the Presidency of the Minamata Convention extended to the Bureau a request made by one group within one of the United Nations regional groups that the secretariat provide the parties with information on the different services it provided, how different services could be purchased from the secretariat of the Basel, Rotterdam and Stockholm conventions should the Conference of the Parties so decide, and how such purchases would influence the budget of the Minamata Convention.

6. On 19 July 2018, the Presidency communicated to the Bureau that no objection had been received to the request that the secretariat provide the information described in paragraph 5 above and that, if no objection was received from the Bureau members by 27 July 2018, the secretariat should proceed accordingly. No objection was received by the deadline set by the Presidency.

7. At various times over the course of 2018, the secretariat of the Minamata Convention has engaged with the secretariat of the Basel, Rotterdam and Stockholm conventions on cooperation and collaboration among the secretariats, as described in document UNEP/MC/COP.2/17. In that regard, a proposal for services and relevant costs was prepared by the secretariat of the Basel, Rotterdam and Stockholm conventions, entitled "Modalities for offering services to the Minamata Convention Secretariat", and submitted to the secretariat of the Minamata Convention. The proposal provided a basis for the preparation of the information requested by the Bureau, which is submitted for consideration by the Conference of the Parties at its second meeting as document UNEP/MC/COP.2/INF/7, containing further information requested by the Bureau on possible services that the Secretariat of the Minamata Convention could purchase from the secretariat of the Basel, Rotterdam and Stockholm conventions, and their associated costs.

Suggested action by the Conference of the Parties

8. The Conference may wish to consider the matter of the secretariat and review the organizational arrangements, including the location and the host country contribution.

Annex

MC-1/11: Secretariat

The Conference of the Parties,

Noting that a secretariat has been established pursuant to paragraph 1 of article 24 of the Convention,

Recalling that paragraph 3 of article 24 of the Convention designates the Executive Director of the United Nations Environment Programme to perform the secretariat functions for the Convention,

Welcoming the offer of the Government of Switzerland to host the secretariat in Geneva and an annual host country contribution of 1 million Swiss francs,

1. *Decides* that 60 per cent of the host country contribution will be allocated to the General Trust Fund and 40 per cent will be allocated to the Special Trust Fund to support developing country delegate travel;

2. *Requests* the Executive Director of the United Nations Environment Programme to perform the secretariat functions initially through a secretariat of the Minamata Convention located in Geneva;

3. *Decides* to review at its second meeting the organizational arrangements, including location and the host country contribution, in accordance with the spirit of the offer of the Government of Switzerland to host the permanent secretariat;[1]

4. *Requests* that, in the interim, the secretariat continue to cooperate and coordinate, as appropriate, with other relevant actors, including the secretariat of the Basel, Rotterdam and Stockholm conventions and the relevant units of the United Nations Environment Programme in order to make full use of relevant experience and expertise.

[1] See UNEP/MC/COP.1/INF/8.

UNITED NATIONS

MC

UNEP/MC/COP.2/16

Distr.: General
29 August 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (l) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: emissions of mercury resulting from the open burning of waste

Information in relation to emissions of mercury resulting from the open burning of waste

Note by the secretariat

1. At its first meeting, held in Geneva from 24 to 29 September 2017, the Conference of the Parties to the Minamata Convention on Mercury considered the issue of mercury emissions related to the open burning of waste and adopted decision MC-1/14 on the matter. In the decision, it noted the report prepared by the secretariat on the basis of submissions received from Governments and a number of non-governmental stakeholders, as well as information gathered from a range of other sources, including publications by the United Nations Environment Programme and the World Bank, and from a number of civil society organizations (document UNEP/MC/COP.1/19). The report concluded that the challenges of open burning of waste extended far beyond the problem of mercury emissions and that its elimination, as part of the overall development agenda, had been identified as a priority for sustainable development, helping to reduce a range of air pollutants and providing social and economic benefits.

2. Recognizing that open burning may be a significant source of mercury emissions that has not been quantified and also that the guidance on best available techniques and best environmental practices[1] states that open burning of waste is considered bad environmental practice and should be discouraged, the Conference of the Parties at its first meeting invited parties and other interested entities and organizations to submit to the secretariat information on mercury emissions from open burning of waste. It further requested the secretariat to continue to compile information submitted by parties on the issue, particularly from developing countries and countries with economies in transition, including information from inventories and Minamata initial assessments, emission factors and real measurements of emissions, and any relevant information developed by the conferences of the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants, and to submit that information to the Conference of the Parties to the Minamata Convention at its second meeting for its consideration of the need for further action.

* UNEP/MC/COP.2/1.

[1] Guidance on best available techniques and best environmental practices adopted by the Conference of the Parties to the Minamata Convention at its first meeting to assist parties in meeting their obligations under Article 8 (UNEP/MC/COP.1/7, annex II).

3. Further to the call for information on mercury emissions from the open burning of waste, submissions were received from two parties, Nigeria and the Republic of Moldova, as well as one intergovernmental organization, the United Nations Institute for Training and Research (UNITAR), and one non-governmental organization, the International POPs Elimination Network (IPEN). Those submissions have been compiled in the note by the secretariat on the matter (UNEP/MC/COP.2/INF/6, annex) and are available on the website of the Minamata Convention at www.mercuryconvention.org/Meetings/Intersessionalnbsp;work/tabid/6325/language/en-US/Default.aspx.

4. Parties provided information on mercury emissions from open burning, estimated using the Toolkit for Identification and Quantification of Mercury Releases, Level 2, of the United Nations Environment Programme. UNITAR provided observations regarding emissions from open burning of waste in their work, including in supporting the development of Minamata Initial Assessments, and highlighted some of the uncertainties, including the potential for overestimation of emissions from open burning, associated with the use of the Toolkit. IPEN provided a combined submission on capacity-building, technical assistance and technology transfer, as well as mercury emissions resulting from the open burning of waste, stressing the importance of basic waste collection and separation systems that have an emphasis on separating organic and hazardous waste (highlighting mercury waste streams) from the recyclable waste stream.

5. Information relevant to the issue of mercury emissions from the open burning of waste has also been developed in the context of the Basel and Stockholm conventions.

6. The Conference of the Parties to the Basel Convention established the Household Waste Partnership in 2017 with the aim of promoting the environmentally sound management of household waste, including its prevention and minimization, and of enabling the decoupling of economic growth and environmental impacts associated with the generation of household waste and its initial handling by the public in their households. The Partnership has been mandated to develop a guidance document on the environmentally sound management of household waste.

7. The expert working group on environmentally sound management of wastes under the Basel Convention has prepared draft guidance on how to address environmentally sound management of wastes in the informal sector (UNEP/CHW/OEWG.11/INF/6). The draft guidance recognizes the adverse environmental impacts of open burning and its associated health risks, and it recommends prohibiting open burning, especially of hazardous waste. After the consideration of the guidance at the eleventh meeting of the Open-ended Working Group of the Basel Convention, revised draft guidance will be presented to the Conference of the Parties at its fourteenth meeting for consideration. The expert working group has also prepared revised fact sheets providing an overview of the most important aspects related to environmentally sound management for specific waste streams (UNEP/CHW.13/INF/7/Rev.1), including e-waste, waste vehicles and health-care or medical waste, all of which may contain or be contaminated with mercury.

8. Findings from the Basel Convention E-waste Africa programme[2] indicate the high prevalence in the concerned countries of open burning to recover metals in e-waste, including mercury-containing or mercury-contaminated waste. The publication states that recycling activities with adverse impacts on human health and the environment, such as the open burning of cables, require the immediate attention of Governments.

9. The *Guidelines on Best Available Techniques and Provisional Guidance on Best Environmental Practices Relevant to Article 5 and Annex C of the Stockholm Convention on Persistent Organic Pollutants* also address the issue of the open burning of waste, including burning of landfill sites (sect. VI on source categories in Part III of Annex C). The guidelines recognize that open burning covers a wide range of different uncontrolled waste combustion practices, including dump fires, pit burning, fires on plain soil and barrel burning, and that for people in many parts of the world, especially for those with no access to organized waste handling and who have been left to their own devices for materials disposal, open burning is the cheapest, easiest, most sanitary means of volume reduction and disposal of combustible materials. The guidelines, while highlighting materials to be avoided and providing techniques to improve the burning process and avoid emissions, state clearly that open burning is an environmentally unacceptable process and that the best guidance is to reduce the amount of material disposed of via this method with the goal of elimination altogether.

[2] "Where are WEee in Africa?", Secretariat of the Basel Convention, December 2011. This publication was developed in the framework of the project entitled "Building local capacity to address the flow of e-wastes and electrical and electronic products destined for re-use in selected African countries and to augment the sustainable management of resources through the recovery of materials in e-wastes".

Suggested action by the Conference of the Parties

10. The Conference of the Parties may wish to consider the information presented in its discussions on the need for further action on the issue of mercury emissions related to the open burning of waste, and, noting the limited number of submissions received, to request the secretariat to continue to compile information on the issue from parties and other stakeholders, as well as information from its overall consideration of the inventories available. It may also wish to request the secretariat to continue to engage on this issue with the secretariat of the Basel, Rotterdam and Stockholm conventions, and to update the Conference of the Parties at its third meeting